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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1933 of 2026

Sushant Kumar S/o Siddheshwar Singh, Aged About 38 Years R/o Pirari, Police Station Derni, District- Chhapra Bihar At Present R/o Housing Board Colony, Police Station Mujgahan District- Raipur (C.G.)

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station Mujgahan District- Raipur (C.G.)

... Non-applicant

For Applicant : Mr. Ali Afzaal Mirza, Advocate.

For Non-applicant/State : Dr. Saurabh Pandey, Deputy Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

27.02.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 270/2025, registered at Police Station – Mujgahan, District - Raipur (C.G.) for the offence punishable under Section 420 of Indian Penal Code.

2. The case of the prosecution, in brief, is that the complainant, Kuleshwar Dewangan, in January 2024 purchased a parcel of land from the present applicant situated at Sejbahar, bearing P.H. No. 82, Khasra Nos. 462/36 and 462/37, admeasuring 0.021 hectare and 0.0095 hectare respectively (total area approximately 2300 sq. ft.), for a total consideration of



Rs. 7,00,000/-. The agreement to sell was executed between the parties on 22.02.2024 on a Rs. 50/- non-judicial stamp paper, which was duly notarized. The agreement was executed in the presence of witnesses, namely Jitendra Sahu, Sarita Choubey, Rekhilal Nagpure, and others. It was stipulated in the agreement that the registry of the land would be completed within four months. At the time of execution of the agreement, a sum of Rs. 4,80,000/- was transferred through cheque bearing No. 079895 from the account of the complainant's wife, Smt. Nikita Dewangan, maintained at Central Bank of India, Sunder Nagar Branch, Raipur. On 23.02.2024, an amount of Rs. 20,000/- was transferred via RTGS through the complainant's mobile phone from his SBI account, Raipur Branch. Further, on 22.02.2024, an amount of Rs. 30,000/- was paid in cash. Thus, a total sum of Rs. 5,30,000/- was paid to the present applicant. Thereafter, when the complainant requested the applicant to execute the registry of the land, the applicant began delaying the matter and avoided compliance. Prior to the expiry of the stipulated period under the agreement, the applicant executed a power of attorney in favour of Sandeep Yadu, and the said land was subsequently sold to Smt. Laxmi Thakur on 16.05.2024. In this manner, the present applicant allegedly cheated the complainant by failing to execute the registry of the land despite having received a substantial amount from him. On the basis of the written complaint submitted by the complainant, Police Station Mujgahan, District Raipur, registered an offence against the present applicant under Section 420 of the IPC, vide Crime No. 270/2025, and commenced investigation. Upon completion of the investigation, a final report bearing No. 236/2025 was prepared and submitted before the learned JMFC, Raipur on 31.12.2025.

3. It is argued by the learned counsel for the applicant that the applicant is



innocent and has been falsely implicated in the present case. He further submits that in the year 2023, the present applicant had executed a Power of Attorney in favour of Sandeep Yadu in respect of the land in question. Thereafter, in the year 2024, the present applicant entered into an agreement to sell the said land to the complainant and duly informed Sandeep Yadu, the Power of Attorney holder, about the said transaction. Despite having knowledge of the agreement between the complainant and the present applicant, Sandeep Yadu, without the knowledge or consent of the present applicant, executed a sale deed in favour of Smt. Laxmi Thakur. The present applicant was unaware of the said transaction. Thus, Sandeep Yadu, in a conspiratorial manner and without authority or intimation to the present applicant, sold the land to a third party. It is pertinent to mention that the entire sale consideration of Rs. 10,16,500/- paid by Smt. Laxmi Thakur was received by Sandeep Yadu in his own bank account through Bank of India Cheque Nos. 000010 and 000011. The present applicant did not receive any amount from the said transaction. This clearly demonstrates that no fraudulent act was committed by the present applicant and that the land was sold by Sandeep Yadu without the applicant's knowledge or consent. The agreement executed between the complainant and the present applicant specifically provides that in the event the sale deed is not executed, the earnest money shall be refunded without interest. Therefore, at best, the complainant is entitled only to recovery of the amount paid under the agreement, for which he may seek appropriate civil remedy. However, instead of pursuing a civil remedy, the complainant, in connivance with the police, has lodged a false and fabricated criminal case against the present applicant to exert undue pressure, further the charge-sheet has already been filed and the applicant has been in judicial custody since



04.12.2025. As the trial is likely to take a considerable time for its conclusion, learned counsel prays for grant of bail.

4. On the other hand, the learned State counsel opposed the bail application and submitted that the charge-sheet has been filed in the present case. He further submitted that upon perusal of the case record, it appears that the applicant/accused executed an agreement to sell the disputed property to the complainant for a consideration of Rs. 7,00,000/-. However, the applicant/accused did not revoke the Power of Attorney previously executed in respect of the disputed property, and the attorney holder of the applicant/accused sold the said property to another person for a consideration of Rs. 10,16,800/- prior to the expiry of the period stipulated in the agreement to sell. Therefore, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant has no previous criminal antecedents, further the charge-sheet has been filed and he is in jail since 04.12.2025 and conclusion of the trial is likely to take some time, this Court is of the opinion that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Sushant Kumar**, involved in Crime No. 270/2025, registered at Police Station – Mujgahan, District - Raipur (C.G.) for the offence punishable under Section 420 of Indian Penal Code, be released on bail on his furnishing a personal bond with **two sureties** in the like sum to the



satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and



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proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

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